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TECHNOLOGY CENTER 3800

Davidson Berquist
Kilma & Jackson LLP
Suite 920
4501 North Fairfax Drive
Arlington, VA 22203

In re application of
James C. Beattie
Application No. 10/647,304
Filed: August 26, 2003
For: TIE ROD JAM NUT

: DECISION ON REQUEST
: FOR WITHDRAWAL OF
: ATTORNEY

This is a decision on the request filed on July 23, 2004, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **NOT APPROVED**.

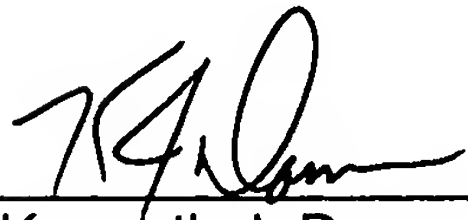
Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. For approval of such a request the following conditions must be met:

- A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;
- B) There must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a);
- C) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided;
- D) The applicant or patent owner must have been notified of the withdrawal as provided for in 37 CFR 1.36.

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The request to withdraw as attorney is not accepted in the above-identified application because the request lacks condition B) above.

As to condition B) while a reason may be provided by referencing a **specific** portion of 37 CFR 10.40, simply not reciting a reason, is insufficient. Condition B) can be met by clearly specifying one of the valid reasons for withdrawal under 37 CFR 10.40 (c)(1)-(6).



Kenneth J. Dorner
Special Programs Examiner
Patent Technology Center 3600
(703) 308-0866
Facsimile No.: (703) 605-0586

KJD/slb:10/19/04